IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No. 1699 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/09/2004 in WP No. 2932 OF 1999 on the file of the High Court.)

Between:

1. Mallela Peda Venkateswarlu, S/o. Jangama Reddy,
R/o. Chinchireddypalem, H/o. Basireddypalem Village,
Gudlur Mandal, Prakasam District.
2.Mallela China Venkateswarlu, S/o. Jangama Reddy,
R/o. Chinchireddypalem, H/o. Basireddypalem Village,
Gudlur Mandal, Prakasam District.

..... APPELLANTS

AND

1.The Special Commissioner, Land Revenue A.P., Hyderabad,
Nampally Station Road, Hyderabad.
2.The Joint Collector, Prakasam District, Ongole.
3.The Revenue Divisional Officer, Kandukur, Prakasam District.
4.The Mandal Revenue Officer, Guduluru Mandal, Prakasam District.
5.Godaperu Abraham, S/o. Kondaiah,
R/o. chenchi Reddy Palem, H/o. Basireddypalem Village,
Gudlur Mandal, Prakasam District.

.....RESPONDENTS

Counsel for the Appellants: Mr.MADALANARSINGA RAO

Counsel for Respondent Nos.1 to 4: GP FOR ASSIGNMENT

Counsel for Respondent No.5: Mr.K.Chidambaram

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The grievance of the appellants is that no notice was given to the petitioner-appellants, who were in possession of the land, and, thus, grant of patta in favour of 5th respondent is bad in law and is not in consonance with the Rules. These aspects were duly examined by the revenue authorities, and, the Joint Collector, Ongole, in his order, specifically mentioned that the then Sub-Collector, Kandukur inspected the land in question and noted that land was lying waste at the relevant time, and, moreover, petitioner-appellants were not entitled for grant of patta, since, their mother was having lands to an extent of Ac.11.09 cents jointly in Gudlur and Basireddypalem villages. The Revenue Divisional Officer, Kandukur had also reported that the assignment rules were duly followed while granting D-Form patta in favour of 5th respondent, who was landless poor. Petitioners were not landless poor and were rich persons and were not entitled to grant of pattas. As such, there is no merit in this Appeal, and, no fault can be found with the order of the learned Single Judge dismissing the Writ Petition. The Writ Appeal, therefore, is dismissed.

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DEVINDER GUPTA, C.J.

05.11.2004.

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C.V.RAMULU, J.

VR.

To

1.The Special Commissioner, Land Revenue A.P., Hyderabad,
Nampally Station Road, Hyderabad.
2.The Joint Collector, Prakasam District, Ongole.
3.The Revenue Divisional Officer, Kandukur, Prakasam District.
4.The Mandal Revenue Officer, Guduluru Mandal, Prakasam District.

5. Two CCs to Government Pleader for Assignment, High Court Buildings, Hyderabad (OUT).

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